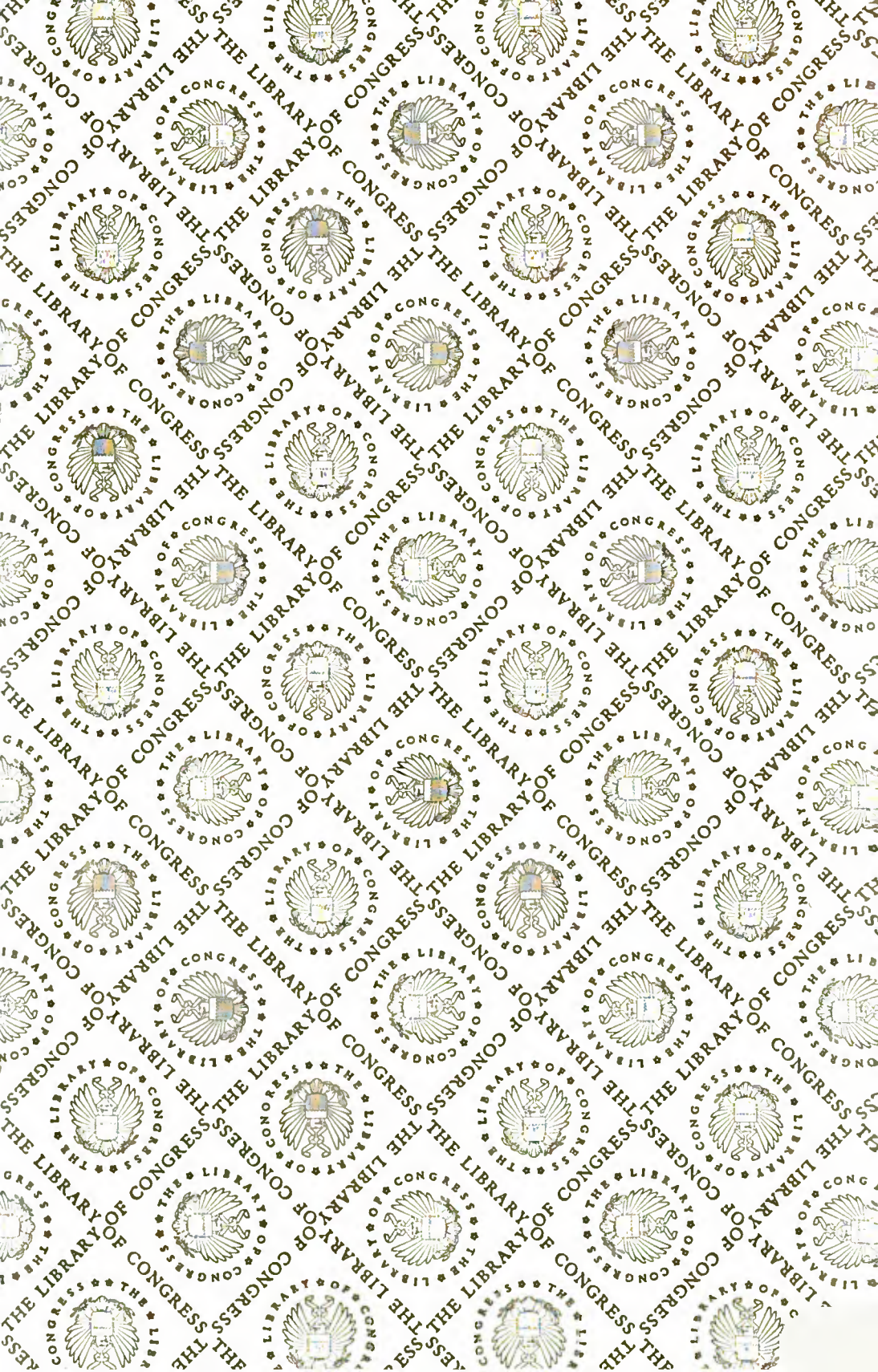


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United States ...

RESTRUCTURING THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA

HEARING
BEFORE THE
SUBCOMMITTEE ON INTELLECTUAL PROPERTY
AND JUDICIAL ADMINISTRATION
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SECOND CONGRESS



SECOND SESSION
ON
H.R. 3795
RESTRUCTURING THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA

JUNE 11, 1992

Serial No. 119



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KF27
J857
1992d

CONTENTS

HEARING DATE

June 11, 1992	Page 1
---------------------	-----------

TEXT OF BILL

H.R. 3795	2
-----------------	---

OPENING STATEMENT

Hughes, Hon. William J., a Representative in Congress from the State of New Jersey, and chairman, Subcommittee on Intellectual Property and Judicial Administration	1
---	---

WITNESSES

Bridges, Terry, president, Riverside County Bar Association, Riverside, CA	30
Brown, Hon. George E., Jr., a Representative in Congress from the State of California	6
Carney, Jane, senior attorney, Reid & Hellyer, and president emeritus, Riverside County Bar Association, Riverside, CA	21
Real, Manuel L., Chief Judge, Central Judicial District of California	13

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Bridges, Terry, president, Riverside County Bar Association, Riverside, CA: Prepared statement	32
Brown, Hon. George E., Jr., a Representative in Congress from the State of California: Prepared statement	8
Carney, Jane, senior attorney, Reid & Hellyer, and president emeritus, Riverside County Bar Association, Riverside, CA: Prepared statement	23
Moorhead, Hon. Carlos J., a Representative in Congress from the State of California: Prepared statement	11
Real, Manuel L., Chief Judge, Central Judicial District of California: Prepared statement	15

APPENDIX

Letter from John M. Zienter, special agent in charge, Drug Enforcement Administration, U.S. Department of Justice, to Hon. Lourdas Baird, U.S. attorney, Los Angeles, CA, October 18, 1991	39
Statement of Laurence S. McWhorter, Director, Executive Office for U.S. Attorneys, U.S. Department of Justice, June 11, 1992	42

RESTRUCTURING THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA

THURSDAY, JUNE 11, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTELLECTUAL PROPERTY
AND JUDICIAL ADMINISTRATION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room B-352, Rayburn House Office Building, Hon. William J. Hughes (chairman of the subcommittee) presiding.

Present: Representatives William J. Hughes, Patricia Schroeder, Dan Glickman, Barney Frank, George E. Sangmeister, Carlos J. Moorhead, Howard Coble, F. James Sensenbrenner, Jr., Craig T. James, and Tom Campbell.

Also present: Hayden W. Gregory, counsel; Edward O'Connell, assistant counsel; Phyllis Henderson, staff assistant; Veronica Eligan, staff assistant; Thomas E. Mooney, minority counsel; Joseph V. Wolfe, minority counsel; and Debbie Morman, intern.

OPENING STATEMENT OF CHAIRMAN HUGHES

Mr. HUGHES. The Subcommittee on Intellectual Property and Judicial Administration will come to order.

Good morning, and welcome to a legislative hearing on H.R. 3795, a bill to establish a third division in the Central Judicial District of California. This bill, sponsored by our good colleague, Mr. Brown, the gentleman from California, would reconstruct the Central District of California by adding a place of holding court in the counties of Riverside or San Bernardino in addition to Santa Ana and Los Angeles.

Over the past several Congresses, this subcommittee has regularly reviewed legislation concerning court reorganization. In order to ensure that an efficient and consistent decisionmaking process is followed, hearings reviewing the merits of the proposals are customarily held toward the end of each Congress. These hearings involve an evaluation of information submitted by the sponsoring members, by the executive and judicial branches of government, as well as by concerned citizens.

H.R. 3795 has recently received overwhelming support from the judges of the Central District of California and reportedly Chief Judge Real has been assured that the Ninth Circuit Judicial Council and the Judicial Conference will also approve this restructuring, hopefully in the near future.

[The bill, H.R. 3795, follows:]

102D CONGRESS
1ST SESSION

H. R. 3795

To amend title 28, United States Code, to establish 3 divisions in the
Central Judicial District of California.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1991

Mr. BROWN (for himself, Mr. LEWIS of California, Mr. COX of California, and
Mr. McCANDLESS) introduced the following bill; which was referred to
the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to establish 3
divisions in the Central Judicial District of California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress makes the following findings:

5 (1) The Federal Government has the respon-
6 sibility to provide quality services which are readily
7 accessible to the people it serves.

8 (2) The court facilities in the Central Judicial
9 District of California are presently inadequate, and

1 current and projected growth exacerbates the prob-
2 lem.

3 (3) The population demographics of southern
4 California have changed dramatically over the last
5 decade, as the center of population shifts inland. Be-
6 tween 1980 and 1990, the population of Riverside
7 County increased 76.5 percent, and San Bernardino
8 County's population increased 58.5 percent, to a
9 combined population of 2,600,000.

10 (4) In the next 15 years, the population in Riv-
11 erside and San Bernardino Counties is expected to
12 increase again by 70 percent, and 67 percent, re-
13 spectively. By the year 2005, Riverside and San
14 Bernardino Counties will have 4,400,000 residents.

15 (5) As a result of the population growth, the
16 freeways connecting the Pacific coast and the inland
17 areas are tremendously overburdened, and Federal
18 offices along the coast are no longer accessible to the
19 residents of Riverside and San Bernardino Counties.

20 (6) The creation of 3 divisions in the Central
21 Judicial District of California is urgently needed to
22 provide for the delivery of judicial services to all
23 areas and all residents of the Central Judicial Dis-
24 trict of California.

1 SEC. 2. CREATION OF 3 DIVISIONS IN CENTRAL DISTRICT
2 OF CALIFORNIA.

3 Section 84(e) of title 28, United States Code, is
4 amended to read as follows:

5 “(e) The Central District comprises 3 divisions.

6 “(1) The Eastern Division comprises the coun-
7 ties of Riverside and San Bernardino.

8 “Court for the Eastern Division shall be held at
9 a suitable site in the city of Riverside, the city of
10 San Bernardino, or not more than 5 miles from the
11 boundary of either such city.

12 “(2) The Western Division comprises the coun-
13 ties of Los Angeles, San Luis Obispo, Santa Bar-
14 bara, and Ventura.

15 “Court for the Western Division shall be held
16 at Los Angeles.

17 “(3) The Southern Division comprises Orange
18 County.

19 “Court for the Southern Division shall be held
20 at Santa Ana.”.

21 SEC. 3. EFFECTIVE DATE.

22 (a) IN GENERAL.—This Act and the amendments
23 made by this Act shall take effect 6 months after the date
24 of the enactment of this Act.

25 (b) PENDING CASES NOT AFFECTED.—This Act and
26 the amendments made by this Act shall not affect any ac-

1 tion commenced before the effective date of this Act and
2 pending in the United States District Court for the
3 Central District of California on such date.

4 (c) JURIES NOT AFFECTED.—This Act and the
5 amendments made by this Act shall not affect the com-
6 position, or preclude the service, of any grand or petit jury
7 summoned, empaneled, or actually serving in the Central
8 Judicial District of California on the effective date of this
9 Act.

Mr. HUGHES. Today we will review the merits of H.R. 3795, and we will start after I recognize the acting ranking Republican member, the distinguished gentleman from California. Then we will recognize the Honorable George E. Brown, Jr., from California.

Mr. CAMPBELL. Thank you, Mr. Chairman. I am honored to be elevated to the rank of ranking, and with a certain amount of freedom I may now comport myself here in a manner heretofore not observed. So thank you for the welcome and let me extend a thank you to my good friend, a wonderful man, Judge Real. A family friend, I should comment, as well as a distinguished jurist. I look forward to the hearings.

Mr. HUGHES. Our first witness today is our distinguished colleague, George E. Brown, Jr., who represents the 36th District of California, a position he has held since 1972. Chairman Brown has also served as Congressman from the 29th Congressional District of Los Angeles County from 1962 to 1970 and had prior elective service as a California State assemblyman, mayor of Monterey Park, and a city councilman for Monterey Park.

Chairman Brown assumed the chairmanship of the Science, Space and Technology Committee on January 3d of this past year and is a senior member of the Agriculture Committee.

We welcome you, George, to today's hearing. We have your written testimony which, without objection, will be made a part of the record. We hope you can summarize for us, but you may proceed as you see fit. Welcome.

STATEMENT OF HON. GEORGE E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BROWN. Thank you very much, Mr. Chairman. You have been extremely kind and courteous to me in agreeing to schedule this hearing, and I want to express my appreciation to you.

You mentioned my earlier service in Los Angeles County as a Member of Congress in the 1960's, and I should point out that it was during this period that I became well acquainted with Judge Real and that he assumed his position on the Federal bench, and he has been a most distinguished and senior member of the bench.

I am very pleased that he and two other good friends of mine, representing the bar associations in Riverside and San Bernardino Counties, are also here. Terry Bridges, who is an attorney at law, and representing the San Bernardino Bar Association, and Jane Carney, I guess representing the Riverside County Bar Association. They can tell you who they are representing better than I. They are distinguished attorneys, however.

I will be brief, Mr. Chairman. As you have already indicated, I am here on behalf of H.R. 3795, which seeks to—by reorganizing the Central District slightly—make more accessible the Federal courts to a very substantial population in the eastern part of the Central District, the counties of Riverside and San Bernardino.

Over the 28 years since I was first elected to Congress, I have watched the growth of this area and the expansion of the Federal court system. It has, of course, had to be enlarged over these years to accommodate the burgeoning population.

The most recent change was to designate Orange County as a place to sit, and I had participated, along with most of my other

colleagues in southern California, in helping to achieve these modest changes as the population has demanded. It now turns out that in the two counties that I represent, what we call the Inland Empire, the population now exceeds that of Orange County and is the fastest growing area in the State and probably in the United States, and we anticipate that the needs will continue to increase.

So we have presented this legislation in order to facilitate that continued improvement in service by the Federal courts, and we think it is a logical step. I think we all recognize that it is merely a first step, that it perhaps will be a number of years before we complete the process of acquiring facilities and finding a Federal judge or judges to sit in that area.

We are not pressing for dramatic and immediate action but merely to initiate the steps which eventually will lead to this improvement in service, just as the situation at Orange County extended over a number of years before it was finally completed—and, in fact, it is not yet completed—so that we may continue to see improvements over there.

I will not give you the arguments in detail which are set forth in my written testimony. I will merely commend that to your attention and indicate that this is a very dynamic, changing situation which we are trying to keep abreast of, which all of the legal establishments are trying to keep abreast of in this region.

I do want to briefly express my thanks to Judge Real for his close cooperation with us and with all of the Congressmen from this area who are all jointly in support of this. Judge Real allowed me the privilege of speaking to the assembled district judges just a few weeks ago in Los Angeles, and I had an opportunity to discuss this matter with them and discuss other problems of the Central District in California.

I was somewhat astounded to have the judges tell me that it was the first time a Member of Congress had ever addressed them as a group. And I hope that it will not be the last time because I think further constructive collaboration between the legislative representatives and the judges will contribute to the enlightenment on both sides, if I may say so—not that the judges aren't already perfectly enlightened—but who knows, maybe they can improve on that.

Let me conclude merely by introducing again Judge Real, as I say, who is a distinguished and senior member of the Federal judiciary, and Chief Judge of the Central Judicial District, and Terry Bridges and Jane Carney. And I will conclude with that and respond to any questions that you may have.

And may I acknowledge that Mr. Moorhead, another dear friend and, I trust, a supporter of this move, has now joined us.

Mr. MOORHEAD. No problem with that.

[The prepared statement of Mr. Brown follows:]

TESTIMONY OF CONGRESSMAN GEORGE E. BROWN, JR.
BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON
INTELLECTUAL PROPERTY AND JUDICIAL ADMINISTRATION
REGARDING H.R. 3795 TO SUBDIVIDE THE CENTRAL
JUDICIAL DISTRICT OF CALIFORNIA

MR. CHAIRMAN, I WANT TO THANK AND THE MEMBERS OF THIS SUBCOMMITTEE FOR CONVENING TODAY'S HEARING ON MY BILL TO SUBDIVIDE THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA INTO THREE DIVISIONS (H.R. 3795). I AM ESPECIALLY GLAD THAT YOU WILL BE HEARING FROM A GREAT FRIEND OF MINE AND A DISTINGUISHED JURIST, CHIEF JUDGE MANUEL REAL OF THE CENTRAL JUDICIAL DISTRICT, AND FROM TWO OF THE MOST OUTSTANDING ATTORNEYS AMONG MY CONSTITUENTS, MS. JANE CARNEY AND MR. TERRY BRIDGES, REPRESENTING OUR LOCAL BAR ASSOCIATIONS IN SAN BERNARDINO AND RIVERSIDE COUNTIES.

I HAVE PROVIDED THE SUBCOMMITTEE WITH A 10-PAGE SUMMARY EXPLANATION OF THE KEY REASONS FOR ENACTING H.R. 3795 THIS YEAR. I ASK THAT IT BE INCORPORATED IN THE RECORD OF THESE PROCEEDINGS.

IN THE INTEREST OF TIME, LET ME BRIEFLY HIGHLIGHT SOME OF THE MOST COMPELLING ARGUMENTS IN SUPPORT OF BRINGING FEDERAL COURT TO THE REGION OF SOUTHERN CALIFORNIA THAT WE AFFECTIONATELY CALL THE INLAND EMPIRE.

FIRST, AS YOU KNOW, THE POPULATION OF SOUTHERN CALIFORNIA CONTINUES TO SOAR. BUT WHAT YOU MAY NOT KNOW IS THAT THE CENTER OF THIS POPULATION EXPLOSION IS SHIFTING STEADILY AWAY FROM THE COASTAL COUNTIES TOWARD THE INLAND EMPIRE. THE TWO COUNTIES I REPRESENT HAD THE FASTEST GROWING POPULATION ANYWHERE IN THE NATION DURING THE PAST DECADE.

BETWEEN 1980 AND 1990, THE POPULATION OF RIVERSIDE COUNTY ROSE 76.5%, WHILE AND THE POPULATION OF SAN BERNARDINO COUNTY INCREASED 58.5%. 2.6 MILLION PEOPLE NOW LIVE IN THE INLAND EMPIRE, YET THERE IS ABSOLUTELY NO FEDERAL COURT WITHIN REASONABLE ACCESS. IN COMPARISON, 2.1 MILLION PEOPLE LIVE IN ORANGE COUNTY AND FEDERAL COURT ALREADY SITS IN SANTA ANA. IN SACRAMENTO, 1.8 MILLION PEOPLE ENJOY A FEDERAL COURT IN THEIR MIDST.

SECOND, FOREBODING DEMOGRAPHIC TRENDS ARE CLEAR. THE POPULATION OF THE INLAND EMPIRE WILL CONTINUE TO GROW BY LEAPS AND BOUNDS. IN THE NEXT 15 YEARS, THE POPULATION IN RIVERSIDE AND SAN BERNARDINO COUNTIES IS PROJECTED TO GROW BY 70% AND 67%, RESPECTIVELY. BY THE YEAR 2005, RIVERSIDE AND SAN BERNARDINO COUNTIES WILL HAVE 4.4 MILLION RESIDENTS.

THIRD, GEOGRAPHIC PRACTICALITIES ALSO ARGUE IN FAVOR OF ESTABLISHING A DIVISION OF FEDERAL COURT IN THE INLAND EMPIRE. SAN BERNARDINO COUNTY IS THE LARGEST COUNTY IN THE 48 CONTIGUOUS STATES -- LARGER THAN THE COMBINED STATES OF NEW JERSEY, MASSACHUSETTS, DELAWARE, AND RHODE ISLAND. COMBINED WITH RIVERSIDE COUNTY, THERE IS AN ENORMOUS EXPANSE OF FAR-FLUNG COMMUNITIES IN THE INLAND EMPIRE, BUT THERE IS NO ACCESS TO FEDERAL COURT FACILITIES CLOSER THAN DOWNTOWN LOS ANGELES -- MORE THAN 200 MILES FROM THE EASTERN BORDER OF SAN BERNARDINO COUNTY. THOSE LONG DISTANCES, FOR EXAMPLE, MAKE IT EXTREMELY DIFFICULT FOR MY CONSTITUENTS TO SERVE AS JURORS.

FOURTH, RESIDENTS OF THE INLAND EMPIRE ARE CONFRONTED DAILY WITH COMMUTING GRIDLOCK WHEN THEY ATTEMPT TO TRAVEL TO FEDERAL COURT. AS A RESULT OF UNPARALLELED POPULATION GROWTH IN SOUTHERN CALIFORNIA, IN GENERAL, AND IN THE INLAND EMPIRE, IN PARTICULAR, THE HIGHWAYS CONNECTING LOS ANGELES AND ORANGE COUNTY ARE COMPLETELY OVERWHELMED. FEDERAL COURT FACILITIES IN LOS ANGELES AND SANTA ANA ARE VERY INACCESSIBLE TO MY CONSTITUENTS. IT IS VERY WASTEFUL AND TOTALLY UNREASONABLE TO EXPECT THE RESIDENTS OF SAN BERNARDINO AND RIVERSIDE COUNTIES TO ENDURE A COMMUTING NIGHTMARE, SITTING IN TRAFFIC SIX HOURS ROUND-TRIP TO TRAVEL JUST 50 MILES TO PURSUE ONE CASE IN A FEDERAL COURTROOM IN LOS ANGELES OR SANTA ANA.

FINALLY, H.R. 3795 REPRESENTS A COST-EFFECTIVE WAY TO REDRESS THESE EXISTING PROBLEMS AND TO POSITION THE FEDERAL JUDICIARY IN SOUTHERN CALIFORNIA SMARTLY TO RESPOND TO THE ADDITIONAL LOOMING DEMOGRAPHIC CHANGES CERTAIN TO FURTHER TRANSFORM OUR REGION. SUBDIVIDING THE CENTRAL DISTRICT IS FAR LESS COSTLY THAN CREATING A WHOLE NEW DISTRICT. ALSO WHEN THE LEASE FOR FEDERAL BANKRUPTCY JUDGES IN SAN BERNARDINO EXPIRES IN 1994, THEIR OFFICES COULD BE CONSOLIDATED IN ONE FEDERAL COURTHOUSE SITE IN THE INLAND EMPIRE.

I WANT TO CONCLUDE BY STATING MY FIRM CONVICTION THAT OUR FEDERAL GOVERNMENT HAS A SOLEMN, THRESHOLD RESPONSIBILITY TO PROVIDE QUALITY SERVICES THAT ARE READILY ACCESSIBLE TO THE PEOPLE WE SERVE. WITH RESPECT TO FEDERAL COURT FACILITIES, THAT IS CLEARLY NOT HAPPENING IN THE INLAND EMPIRE.

H.R. 3795 ENJOYS THE STRONG BIPARTISAN BACKING OF SENATORS CRANSTON AND SEYMOUR AS WELL AS CONGRESSMEN COX, MCCANDLESS, AND LEWIS. I URGE YOU TO SUPPORT IT.

Mr. HUGHES. Yes. We are pleased to have the ranking Republican join us.

Before we recognize Chief Judge Real, do you have an opening statement, Mr. Moorhead?

Mr. MOORHEAD. Well, I do have an opening statement. I don't know whether I need to read it or not.

This is an issue that we have been working on for a long time in southern California. The people that live out in the Orange County area and in the Riverside, San Bernardino area are very concerned that they have to travel so far to get to court. The traffic is terrible. It sometimes takes a couple hours to make that trip one way and then a couple hours back. We badly need to do something about it.

I know the subcommittee has had legislation on this subject since 1977 when our former colleague and now a distinguished judge of the ninth circuit, Chuck Wiggins, introduced similar legislation. In addition, similar bills have been introduced by Bill Dannemeyer and a myriad of Members through the years.

I think this proposal before us today, H.R. 3795, which would create three divisions within the Central District, has attracted a lot of support. It is one that is probably the most reasonable as far as cost is concerned, and it is one that will take care of most of the needs of the three various areas.

I strongly support passage of this legislation today, and I want to congratulate both George Brown, who has done a great job on this, and our very distinguished Chief Judge of the Central District who is here today, Manuel Real.

[The prepared statement of Mr. Moorhead follows:]

STATEMENT OF THE HONORABLE CARLOS J. MOORHEAD
H.R. 3795, TO SUBDIVIDE
THE CENTRAL JUDICIAL DISTRICT OF CALIFORNIA
JUNE 11, 1992

THANK YOU MR. CHAIRMAN. AS MS. CARNEY, ONE OF OUR WITNESSES THIS MORNING INDICATES IN HER WRITTEN STATEMENT: "THERE HAVE BEEN DISCUSSIONS AND PROPOSALS OVER MANY YEARS ABOUT SOLUTIONS TO THE PERCEIVED PROBLEMS OF THE GEOGRAPHICAL SIZE, CASELOAD, AND POPULATION OF THE CURRENT CENTRAL DISTRICT OF CALIFORNIA." FOR INSTANCE, IN EACH OF THE LAST TWO CONGRESS'S OUR COLLEAGUE AND A FORMER MEMBER OF THE JUDICIARY COMMITTEE, BILL DANNEMEYER INTRODUCED LEGISLATION WHICH WOULD HAVE CREATED A NEW JUDICIAL DISTRICT IN CALIFORNIA.

HOWEVER, THIS SUBCOMMITTEE HAS BEEN GRAPPLING WITH THIS ISSUE AS FAR BACK AS 1977, WHEN OUR FORMER COLLEAGUE AND NOW A DISTINGUISHED JUDGE ON THE NINTH CIRCUIT COURT OF APPEALS, CHUCK WIGGINS, INTRODUCED

H.R. 3972, WHICH ALSO WOULD HAVE CREATED A NEW DISTRICT IN CALIFORNIA. RATHER THAN PROCESS H.R. 3972, CONGRESS IN 1978 REQUIRED THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF U.S. COURTS TO CONDUCT A COMPREHENSIVE STUDY OF THE JUDICIAL BUSINESS OF THE CENTRAL DISTRICT OF CALIFORNIA.

THE PROPOSAL BEFORE US TODAY, H.R. 3795, WHICH WOULD CREATE THREE DIVISIONS WITHIN THE CENTRAL DISTRICT, HAS ATTRACTED SIGNIFICANT SUPPORT, WITH THE ONLY OPPOSITION PRESENTLY COMING FROM THE U.S. DEPARTMENT OF JUSTICE. THE HEARING THIS MORNING WILL AFFORD US THE OPPORTUNITY TO TEST THE ARGUMENTS OF THE JUSTICE DEPARTMENT AND ASSESS THE NEED FOR H.R. 3795. I LOOK FORWARD TO THE TESTIMONY OF OUR WITNESSES AND WOULD LIKE TO JOIN YOU MR. CHAIRMAN IN WELCOMING OUR COLLEAGUE GEORGE BROWN, THE SPONSOR OF THE LEGISLATION AS WELL AS JUDGE REAL, THE CHIEF JUDGE OF THE CENTRAL DISTRICT OF CALIFORNIA.

Mr. HUGHES. Chief Judge Real, would you like to come forward? George, would you like to do the honors in introducing the Judge? I know that Judge Real has been the Chief Judge for the Central District of California since, I think about 1966.

Judge REAL. No. I have been on the bench since 1966. But we have to be there for a while before we become Chief Judge.

Mr. HUGHES. Seniority. We have a similar system around here.

Mr. BROWN. Mr. Chairman, I don't think it is necessary for me to add further to the accolades I have already given in behalf of Judge Real.

As I say, there is probably no member of the Federal bench that I have known longer and respect more than Judge Real. At the time he was originally appointed, Federal judgeship appointments under a Democratic President, but with two Republican Senators, were focused in the House, and I had the privilege at that time of voting in favor of his appointment to the Federal bench. And I have never been disappointed with that vote.

Would the Chair be kind enough to excuse me at this time? I do have some other appointments.

Mr. HUGHES. Of course. We appreciate your testimony.

Do any of the members of the subcommittee have any questions for Mr. Brown?

Mr. CAMPBELL. I have one before he leaves. Would you add me as cosponsor, Mr. Chairman?

Mr. BROWN. Absolutely. Absolutely. I have already advised my good friends here to be as brief as possible.

Mr. HUGHES. Judge Real, we are delighted to have you with us. Thank you for traveling so far to be with us today. We have your prepared text which, without objection, will be made a part of the record. We hope you can summarize for us, but you may proceed as you see fit.

STATEMENT OF MANUEL L. REAL, CHIEF JUDGE, CENTRAL JUDICIAL DISTRICT OF CALIFORNIA

Judge REAL. I won't take too much of your time because I think Congressman Brown has taken most of what I had to say and given it to you.

One of the things that I do want to add to the testimony that is written and that is that we have been a long time behind the times in terms of long-term planning, long-range planning in the courts. We have just undertaken that in the last year, and that is one of the things that brought us to this position. That is that we have to move out into the areas that are growing within our district to be able to service those people.

I know that a lot of people don't understand that distances might be misleading, and 57 miles to Santa Ana and 53 miles to Los Angeles is not a very long way, except that anybody who has ever traveled the California—southern California—freeways knows that that is not 57 minutes or 53 minutes, it is more like 2 hours or 2½ hours to each of those places from Riverside, San Bernardino. So we are ready to go there. We have studied this matter.

I can tell you, Mr. Chairman and members of the committee, that the Judicial Council of the ninth circuit has approved our approval of this bill, and I am informed that the Administrative Com-

mittee of the Judicial Conference of the United States is in favor of it. The Executive Committee of the Conference of the United States will take it up in August, and we are assured that that will be just a pro forma approval of what has already gone on ahead of us.

Mr. HUGHES. So we can expect approval by the Executive Committee in August?

Judge REAL. That is my information, yes, Mr. Chairman.

If you have any questions, I would be very happy to answer them.

[The prepared statement of Judge Real follows:]

TESTIMONY OF THE HONORABLE MANUEL REAL, CHIEF JUDGE OF THE
CENTRAL JUDICIAL DISTRICT OF CALIFORNIA,
IN SUPPORT OF H.R. 3795
BEFORE THE HOUSE JUDICIARY SUBCOMMITTEE ON INTELLECTUAL
PROPERTY AND JUDICIAL ADMINISTRATION
JUNE 11, 1992

MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE
THIS DISTINGUISHED SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE.

AS CHIEF JUDGE OF THE CENTRAL JUDICIAL DISTRICT, I AM
PLEASED TO REPORT THE OVERWHELMING SUPPORT OF THE JUDGES IN THE
CENTRAL JUDICIAL DISTRICT FOR PROMPT ENACTMENT OF H.R. 3795,
SPONSORED BY CONGRESSMAN GEORGE BROWN.

CURRENTLY, THE CENTRAL JUDICIAL DISTRICT IS PART OF THE
NINTH CIRCUIT, AND ENCOMPASSES VENTURA, SAN LUIS OBISPO, SANTA
BARBARA, LOS ANGELES, ORANGE, RIVERSIDE, AND SAN BERNARDINO
COUNTIES. THE BROWN BILL (H.R 3795) WOULD SUBDIVIDE THE CENTRAL
JUDICIAL DISTRICT INTO THREE DIVISIONS -- AN EASTERN DIVISION
CONSISTING OF SAN BERNARDINO AND RIVERSIDE COUNTIES, A SOUTHERN
DIVISION CONSISTING OF ORANGE COUNTY, AND A WESTERN DIVISION
CONSISTING OF LOS ANGELES, SANTA BARBARA, SAN LUIS OBISPO, AND
VENTURA COUNTIES.) THE COURT TO BE ESTABLISHED IN THE EASTERN
DIVISION WOULD SIT IN THE CITY OF RIVERSIDE, THE CITY OF SAN
BERNARDINO, OR NOT MORE THAN 5 MILES FROM THE BOUNDARY OF EITHER
CITY.

ENACTING H.R. 3795 NOW MAKES VERY GOOD SENSE TO THE JUDGES
OF THE CENTRAL DISTRICT FOR SEVERAL REASONS. LET ME ECHO AND
EMPHASIZE SOME OF THE OVERRIDING CONSIDERATIONS THAT CONGRESSMAN
BROWN CITED.

FIRST, FEDERAL COURT IS NOW HELD IN LOS ANGELES AND SANTA
ANA, BOTH OF WHICH ARE LOCATED NEAR THE PACIFIC COAST. BUT THE
CENTRAL JUDICIAL DISTRICT STRETCHES FROM THE COAST THROUGH THE
DESERT TO THE ARIZONA BORDER AND OUR REGION'S POPULATION CENTER
IS MOVING RAPIDLY TOWARD SAN BERNARDINO AND RIVERSIDE COUNTIES.

SECOND, 2.6 MILLION PEOPLE ALREADY LIVE IN THESE TWO
COUNTIES AND I KNOW FIRSTHAND WHAT A HARDSHIP IT IS FOR THE
RESIDENTS OF THE INLAND EMPIRE -- WHETHER LITIGANTS OR JURORS--
TO COMMUTE TO EXISTING FEDERAL COURTROOMS IN LOS ANGELES AND
SANTA ANA. THESE PEOPLE DESERVE FAR BETTER ACCESS.

THIRD, ONE DOES NOT NEED A CRYSTAL BALL TO GRASP THE POWERFUL DEMOGRAPHIC TRENDS ALREADY IN MOTION. AS SOUTHERN CALIFORNIA CONTINUES TO ABSORB MILLIONS OF NEW RESIDENTS, MANY OF THEM WILL BE RESIDING IN THE INLAND EMPIRE -- THE FASTEST GROWING REGION IN THE STATE. AN ADDITIONAL 1.8 MILLION PEOPLE WILL BE ADDED TO THE POPULATION OF THIS REGION IN THE NEXT 12 YEARS, FURTHER COMPOUNDING PROBLEMS ACCOMPANYING INACCESSIBLE FEDERAL COURT FACILITIES.

SOMETIMES WE IN THE FEDERAL GOVERNMENT ARE AFFORDED OPPORTUNITIES TO ALLOCATE SCARCE RESOURCES WITH AN EYE TO THE FUTURE, WHILE ALSO RESPONDING TO THE OBVIOUS NEEDS OF THE PRESENT. H.R. 3795 PRESENTS US WITH SUCH AN OPPORTUNITY. THE JUDGES OF THE CENTRAL JUDICIAL DISTRICT, WITH THE APPROVAL OF THE JUDGES OF THE NINTH CIRCUIT, STRONGLY SUPPORT THE ENACTMENT OF H.R. 3795 DURING THIS SESSION OF THE CONGRESS. THIS BILL WILL RIGHTFULLY PROVIDE MILLIONS OF BELEAGUERED CALIFORNIANS WITH REASONABLE ACCESS TO FEDERAL COURT FACILITIES IN THE NEAR-TERM. IT ALSO ANTICIPATES DRAMATIC POPULATION SHIFTS IN SOUTHERN CALIFORNIA DUE TO LONG-TERM DEMOGRAPHIC TRENDS. I AM CONFIDENT THE JUDICIAL CONFERENCE IN THEIR NEXT MEETING WILL CONCUR IN OUR STRONG ENDORSEMENT OF ENACTMENT OF H.R.3795 BEFORE ADJOURNMENT OF THE 102ND CONGRESS.

Mr. HUGHES. There has been a question raised as to whether the region's population is, in fact, going to be San Bernardino and Riverside Counties. Can you give us your ideas on this question?

Judge REAL. I don't know of any place else that southern California can go. We are—I think we were in the last census in the district about 12 million people, we are in this census about 15 million people, and most of those have grown up in the counties of San Bernardino and Riverside. So we have no problem with the anticipation of that kind of growth.

Mr. HUGHES. How many judges presently sit in the Central District?

Judge REAL. We have positions for 27 judges. We have only 21 active judges presently sitting because we have 6 vacancies, which have been there for almost 2 years now, and we are waiting. We have four nominations, but we don't anticipate too much action on them during this Congress, at least.

Mr. HUGHES. Some questions have been raised about the legislation by the Director of the Executive Office for the U.S. Attorneys, as you perhaps may know. Has the U.S. attorney in Los Angeles raised any substantial problems with H.R. 3795 with you?

Judge REAL. No, our U.S. attorney has not. And, Mr. Chairman, I was a U.S. attorney back in 1964 to 1966, and I used to come back to the Department of Justice and every time I walked into that place I got lost. In going through their statement, I got lost.

Mr. HUGHES. It happens to us all the time, too. I mean, we are lost at times by some of the statements that emanate from the Department of Justice.

Do we presently have facilities, or will we have to build facilities?

Judge REAL. No, we do not have facilities. But as we did—in Orange County, when we first went there, it took us about 10 years from the time of the legislation that allowed us to go to Orange County as a place of holding court to get a temporary facility in Orange County. But we did, we did sit in Orange County. We were guests of the county of Orange, and we sat in the superior court buildings of Santa Ana for cases during that interim period.

Mr. HUGHES. Well, I don't have to tell you, we have very serious fiscal problems.

Judge REAL. We understand that.

Mr. HUGHES. Have you looked at the possibility or made any preliminary assessment of what temporary facilities might be available? Have you talked to county officials?

Judge REAL. Yes. And, as I understand it, there are some buildings, at least in Riverside, that have had court facilities built into them that would be available.

Mr. HUGHES. I see. OK. I have no further questions.

The gentleman from California.

Mr. MOORHEAD. Well, thank you.

Judge Real, one of the questions I guess we have to answer is in the statement that the Justice Department gave us. They indicate that you are completing 10 additional courtrooms in Los Angeles and that there were adequate courtrooms in the Central District, even though they are not very accessible to many of the people that live in that district. Do you think that the costs for the courts, for the witnesses, for the attorneys, for all the people in-

volved at having to come to Los Angeles, will justify the additional courtrooms that you may not immediately need as far as total courtrooms at the present time?

Judge REAL. Well, let me say this, Mr. Moorhead, that we now bring jurors from the far reaches of San Bernardino County into Los Angeles to sit, and we have to pay them mileage and we have to pay them a per diem, because they are far enough away that during the time that they are sitting, they have to stay in the Los Angeles area. They can't get to us in time for that.

Mr. MOORHEAD. You may have to rent hotel rooms and so forth?

Judge REAL. Exactly. And we bring people from San Luis Obispo, to do that, too. And that is another problem that we will meet because certainly the population is not there and the work is not there yet. But we are looking long range to maybe come back to this committee sometime later with another plan that might service that area. But at least at the present time we now have to take jurors from San Luis Obispo to Santa Ana because of the law of the jury plans. With these divisions, we can now set up a jury plan for each of those divisions which would help in that respect.

Mr. MOORHEAD. So, actually, though there may be some initial cost for the courtrooms in Riverside or San Bernardino, in the long run, it will probably be cheaper, because you will save the costs of the hotel rooms and transportation costs as well as many other related expenses?

Judge REAL. Well, let me tell you this in answer to the Justice Department's statement about 10 courtrooms that have been built—new courtrooms. That is a new building. We have a our bankruptcy judges in that building also. Our bankruptcy load last year was about 60,000 petitions. This year we anticipate a hundred thousand petitions, and so there will be an increase, a dramatic increase, in bankruptcy judges in our district.

We don't have any backfill space for the bankruptcy judges in that new building. They are in the new building, and they have already outgrown it. I talked to the Chief Bankruptcy Judge just the other day—I think it was Monday—and he told me that he thought that within a very, very short time that they would be asking us to vacate that building and take that space that we have had assigned to us.

Mr. MOORHEAD. How many courtrooms do you have there?

Judge REAL. We have 10 courtrooms there, presently. The building is supposedly designed for 20 courtrooms. We only have 10 that are being built out.

Mr. MOORHEAD. So it could be said that it won't be very long before you will require every courtroom in Los Angeles, even though you have moved some courtrooms out to Riverside?

Judge REAL. When we get the new vacancies filled, we will be almost filled with those 10 courtrooms in the new building.

Mr. MOORHEAD. Thank you. I want to commend you for coming all the way back here to testify. Your testimony is very important.

Judge REAL. Thank you, Mr. Moorhead.

Mr. HUGHES. The gentleman from Virginia, Mr. Boucher.

Mr. BOUCHER. No questions, Mr. Chairman.

Mr. HUGHES. The gentleman from Florida, Mr. James.

Mr. JAMES. I personally believe that it is important to decentralize courthouses to the extent possible because the expense to the public is tremendous when you are talking about paying attorneys anywhere from \$100 to \$150 an hour, and they charge it while they are in their cars. And they have to, because of the operation of business.

But I wanted to know if the Federal judges wouldn't consider, when Congress decides to vote on the reduction of their pay, that we might get the savings from the judges at the same time.

Judge REAL. All I can tell you, Mr. James, is you will come with us.

Mr. JAMES. Yes, I will come with you, because I won't be here next term voluntarily.

Mr. HUGHES. He is assuming the ultimate in decentralization.

Judge REAL. I am sure.

Mr. HUGHES. The gentleman from Illinois.

Mr. SANGMEISTER. No questions.

Mr. HUGHES. The gentleman from California.

Mr. CAMPBELL. Judge Real, what a joy to see you. What a pleasure. I am glad you are here.

A question about filling the slots. Suppose we go to a full 27. Do you anticipate now that that is an adequate complement of Federal judges for the district court in the Central Division?

Judge REAL. Well, our 30-year plan—again in this long-range matter, they tell me that by the time, by 2020 we will need in Los Angeles, assuming—and that doesn't mean San Bernardino, Riverside, and Orange Counties—but we will need in Los Angeles counties and the other counties north of us something like about 3 million square feet of court space to fill that, and we will probably be somewhere in the neighborhood of 35 to 40 judges.

Mr. CAMPBELL. And then, as of this moment now, though, you are more familiar with the plans than I—

Judge REAL. Yes.

Mr. CAMPBELL [continuing]. Is 27 adequate for the Central District?

Judge REAL. Yes. We can do the work with 27 at the present time.

Mr. CAMPBELL. OK. Delighted.

Thank you, Mr. Chairman.

Mr. HUGHES. The gentleman from North Carolina.

Mr. COBLE. I will be very brief. I just want to extend very briefly, Mr. Chairman, what the gentleman from Florida said. I am not going to be a fly in this ointment.

I know we have a bipartisan effort here on the part of the Californians. The Republicans and Democrats both appear to be agreeing.

But we have before us today on the floor, Mr. Chairman and gentleman, the balanced budget amendment on the one hand. On the other hand, what we are doing here today is activating the fiscal meter. The fiscal meter is going to run, and we are going to be paying a whole lot of money to do this. And I just urge you, Judge, if you will, to take back to your colleagues the message to be as stingy as you can because this fiscal Federal barrel of money is not bottomless, like some folks in the Federal judiciary and like some

folks in the Congress seem to think it is. So if you could put that in the back of your head, Judge, I would be appreciative.

Judge REAL. Thank you, sir. We get less than one-tenth of 1 percent of the national budget, and we will take less if we have to.

Mr. COBLE. I guess my argument is, Judge, as we say down home, there ain't nary a Federal agency which couldn't operate on less than what they get, including the Congress.

Thank you, Mr. Chairman.

Mr. HUGHES. The gentleman didn't mean to leave out the executive branch, did he?

Mr. COBLE. Mr. Chairman, I could also include the executive branch. I would indeed.

Mr. HUGHES. Just an oversight, Judge.

The gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, you have given me a back seat to everybody, so I don't think I will ask any questions.

Mr. HUGHES. As you can see, we are cramped too, Judge. The gentleman from Wisconsin is not retiring, and he never takes a back seat to anybody, let me assure you.

Judge, thank you so much for joining us today. We appreciate, as I said, your traveling so far. This is an important matter.

The gentleman from North Carolina is right. We need to take a look at costs. Maybe you can help us. The hearing record will remain open and we would like to hear from you insofar as temporary quarters, your six vacancies, and your space needs. The U.S. attorneys in the Justice Department apparently have raised some question about need, and we need to hear from you on that. That is going to be important.

Judge REAL. Certainly. Actually, I don't think it would be any more cost than what we are spending now in bringing people into Los Angeles and into Santa Ana from these far reaches.

Because even in Santa Ana, if we bring them in from San Bernardino, if we split that off and brought them into Santa Ana, the cost would be tremendous because they would have to stay there during any trials. And certainly the cost of that and taking that—if we wanted to—if we wanted to service San Bernardino, Riverside from where we are in Los Angeles, it would be another extreme cost because then we would have staff that would have to go out there. And eventually we would hope that that staff would be at home and that there would be no more costs than being in Los Angeles.

Mr. HUGHES. That is what we need. Why don't you supplement your statement for the record for us and provide us with some more specific information?

Judge REAL. I will do that, Mr. Chairman. Thank you.

Mr. HUGHES. Thank you very much.

[The information was not submitted.]

Judge REAL. I just want to add one thing and that is I am glad that Mr. Campbell is here because I just wanted to say that I appreciated very much his father's help when I became a Federal Judge. Bill Campbell from Chicago was my guru.

Mr. CAMPBELL. Thank you. That is great.

Mr. HUGHES. Let me tell you, Tom Campbell is a great member of this committee, and we are going to miss his service here in the Congress.

Judge REAL. I am sure you will.

Mr. HUGHES. He has really offered much to this committee, and we regret that he is leaving us.

Mr. MOORHEAD. I will certainly second that comment.

Judge REAL. Thank you, Mr. Chairman.

Mr. CAMPBELL. Thank you, Judge. Thank you, Mr. Chairman.

Mr. HUGHES. Our final witnesses today will be a panel consisting of Ms. Jane Carney and Mr. Terry Bridges of the Riverside County Bar Association. I understand the panel will also be representing the opinions of the San Bernardino County Bar Association today.

Ms. Carney has been practicing law in Riverside, CA, since 1977 and joined the firm of Reid & Hellyer in 1981 where she specializes in corporate law. She is president emeritus of the Riverside County Bar Association and has been actively involved in the subject of this legislation for many years.

Mr. Terry Bridges is a member of the law firm of Bridges & Harmon in Riverside, CA, and has been an attorney specializing in commercial litigation since 1965. Mr. Bridges also teaches law and is the author of a number of legal articles. He is also past president of the Riverside County Bar Association.

We welcome both of you today. We have your text, which, without objection, will be made a part of the record. We want you to summarize for us, so that we can get right to questions.

Why don't we begin with you, Ms. Carney? Welcome.

STATEMENT OF JANE CARNEY, SENIOR ATTORNEY, REID & HELLYER, AND PRESIDENT EMERITUS, RIVERSIDE COUNTY BAR ASSOCIATION, RIVERSIDE, CA

Ms. CARNEY. Thank you. I would also like to clarify, in response to an earlier question to Congressman Brown, as to whom we are representing here. Mr. Bridges and I are both past presidents of the Riverside County Bar Association, but we began a new coordinated effort with the San Bernardino County Bar Association really in 1990 in response to legislation then introduced by Congressman Bill Dannemeyer to create a new district which would have involved Riverside, San Bernardino, and Orange Counties.

And so the two county bar associations have had a joint committee since that time working on this subject, and we are here on behalf of both of the bar associations.

I am also here on behalf of the Monday Morning Group, a group of business leaders in western Riverside County which has been working on this issue for approximately 15 years.

I will not go through all of the testimony which I submitted, but I would like to make just a few comments.

There is very broad support in the two county areas for the establishment of access to a Federal district court in our area. As I mentioned, leaders of the business community, particularly the Monday Morning Group, have been actively interested and involved in this issue and have met in Washington with Members of Congress and their staffs, as well as with appropriate persons in the General Services Administration and the Administrative Office of

the U.S. Courts about this. Local Federal law enforcement agencies, as well as county sheriffs and city police, have been working in support of a Federal court. County supervisors and mayors of the major cities have expressed their support and willingness to find a suitable location and to consider giving assistance in land acquisition in order to make a Federal court a reality.

All of this is said to you to convey that there is unified support for and commitment to obtaining a Federal court for our two-county area.

I also want you to know that the three bankruptcy court judges which currently sit in San Bernardino have been actively involved in our committee. The lease of their facility will expire in 1994, and we believe that there will be substantial savings in planning for the relocation of the bankruptcy court and also planning for the needs for a Federal district court.

On the subject of costs, which has come up this morning, I would like to say that in considering the long-range needs for the Central District, the cost of locating Federal court facilities in Riverside or San Bernardino is substantially less than locating them in downtown Los Angeles. The land values are much different, and all administrative and other support costs will be less in the Riverside-San Bernardino area than they will be in downtown Los Angeles.

So certainly in the long range it will be much less expensive to provide the courtrooms necessary for the caseload from our two counties in our two counties than it would be to provide for that in downtown Los Angeles.

We are also encouraging you to act on this legislation so that it can be considered in the House and in the Senate this session because there is planning currently underway for a Federal courthouse in Santa Ana. And the size which is appropriate for that facility ought to be impacted by whether or not there is an active step taken to establish the three divisions, with one of the divisions being the Riverside and San Bernardino. Otherwise, the caseload from Riverside and San Bernardino will be considered part of the long-range plan for the facility in Santa Ana. So it will also be more efficient if this approach for allocating caseload is established this session before plans are more advanced for the facility in Santa Ana.

I think those are the major points I wanted to make.

Mr. HUGHES. Thank you, Ms. Carney.

[The prepared statement of Ms. Carney follows:]

PREPARED STATEMENT OF JANE CARNEY, SENIOR ATTORNEY, REID &
HELLYER, AND PRESIDENT EMERITUS, RIVERSIDE COUNTY BAR
ASSOCIATION, RIVERSIDE, CA

Subcommittee on Intellectual
Property and Judicial Administration
307 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 3795

Honorable Members of the Subcommittee on Intellectual Property and
Judicial Administration:

I am Jane Carney, a Senior Attorney with the firm of Reid & Hellyer with offices in Riverside and San Bernardino, California. I am a past president of the Riverside County Bar Association and the immediate past chair of the Ad Hoc Committee established by the Bar Associations of Riverside and San Bernardino Counties to deal with the issue of a Federal Court for our area. I wish to address you briefly on the subject of how we from our two-county area have arrived at this point, supporting this particular legislation as a solution to the needs of our area for access to the Federal Court. Terry Bridges, a partner with the firm of Bridges & Harmon in Riverside, California, a past president of the Riverside County Bar Association, and the current chair of the Ad Hoc Committee established by the two-county bar

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 2

associations to deal with the Federal Court issue will discuss other reasons why Riverside and San Bernardino need better access to the Federal District Court.

There have been discussions and proposals over many years about solutions to the perceived problems of the geographical size, caseload, and population of the current Central District of California. In Riverside and San Bernardino counties, this issue was raised again in January of 1990, when Congressman William E. Dannemeyer introduced legislation which would have created a new judicial district in California, consisting of Orange, Riverside and San Bernardino counties, with the court designated to sit in Santa Ana which is in Orange County, California. There are currently three judges of the Central District Court who sit in Santa Ana, so lawyers from Riverside and San Bernardino counties were experienced in using the courts both in downtown Los Angeles and in Santa Ana.

I was president of the Riverside County Bar Association at the time Congressman Dannemeyer's letter arrived, asking our support asking for the creation of this new federal district. I surveyed the Riverside lawyers whom I knew did a substantial amount of federal litigation, and they were unanimous in their opposition to the creation of the new district, because it would have required that all federal

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 3

cases arising in Riverside and San Bernardino counties be filed with the court in Santa Ana. Each of the lawyers expressed to me that there was no substantial savings in time or convenience in handling federal court litigation in Santa Ana as opposed to Los Angeles and that, for several other reasons, Los Angeles was preferable to them. Terry Bridges, when he discusses the need for a federal court in our area will shed more light on these points.

After discussing the reaction of the Riverside lawyers with the then president of the San Bernardino County Bar Association, both bar associations opposed Congressman Dannemeyer's legislation and began the process of advocating for truly improved access to the federal courts for the lawyers and citizens of our two counties.

The first effort was to prevent decisions being made until the results of the 1990 census were available. We of course knew from our own experience about the tremendous population growth in our area, but the extent of that growth was difficult to convincingly convey to others without the benefit of an official count. When the results of the 1990 census were available, it was then confirmed as we had suspected, that Riverside and San Bernardino counties had a population which exceeded that of both Orange County and of San Diego County, each of which have Federal Court facilities.

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 4

The Riverside and San Bernardino Bar Associations formed the Ad Hoc Committee of which I was the first chair and Terry Bridges is now the chair, and we have outstanding cooperation between the lawyers of the two counties on this issue. In addition, leaders in the business community are actively interested and involved in this issue and have met in Washington with members of Congress and their staffs, as well as with appropriate persons in the General Services Administration and the Administrative Office of the Courts, about this. Local federal law enforcement agencies as well as county sheriffs and city police have been working in support of a federal court. In addition, county supervisors and mayors of the major cities have expressed their written support and willingness to find a suitable location and to consider giving assistance to land acquisition in order to make a federal court facility a reality. All of this is said to convey to you there is unified support for and commitment to obtaining a federal district court for our two-county area. The need for it and the benefits to be realized are obvious from our perspective.

I also want you to know that the three current bankruptcy court judges have been actively involved with the bar associations' committee. The current bankruptcy court facility in San Bernardino is inadequate and the lease on it will expire in 1994. We believe that substantial savings can be realized by planning for a new facility for

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 3

the bankruptcy court, with the needs for a federal district court also taken into account. The bankruptcy court judges as well as the other members of the committee view it as their civic duty to seek to achieve these efficiencies when possible and that is one of the reasons why we have been doing all we can to see that the legislation which you are considering today is approved in this session.

Another reason why we are encouraging action on this bill this year is that plans for a federal court facility in Santa Ana, in Orange County, are proceeding. The appropriate size for that facility will be affected by whether or not it should be planned to accommodate the caseload from Riverside and San Bernardino counties for the foreseeable future. The approval of H.R. 3795 is a critical step in designating how the caseload growth in the Central District is to be apportioned and handled in the future. Because of the work now underway for the court facility in Orange County, it is important the creation of the three divisions occur in this session.

From our perspective, we have been primarily interested in getting approval for federal district court to be held in our area. There are a number of ways in which this could have been accomplished. I expect that Chief Judge Manuel Real in his testimony will tell you why the judges of the Central District viewed the creation of three divisions

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 6

within in the Central District as the appropriate administrative structure. We also think that it is an appropriate structure, and one which creates much less expense than, for example, the creation of a new federal district.

In conclusion, I want to convey to you the support and enthusiasm which exists in Riverside and San Bernardino counties for the creation of a federal district court in our area. I believe that the creation of three divisions within in the Central District is an appropriate way and a cost-effective way in which to achieve it. It is important that this legislation be approved during this legislative session for the following reasons:

1. The need for access to federal district court for lawyers and citizens from Riverside and San Bernardino will begin to be met sooner.
2. Coordinated planning for the immediate and pressing needs of our local bankruptcy courts can be coordinated with the planning for the federal district court.

Subcommittee on Intellectual
Property and Judicial Administration
June 8, 1992
Page 7

3. It will help to prevent costly errors in estimating the space needs for the federal court building in Santa Ana, California.

Thank you.

Mr. HUGHES. Mr. Bridges, welcome. Can you add anything to that, Mr. Bridges?

**STATEMENT OF TERRY BRIDGES, PRESIDENT, RIVERSIDE
COUNTY BAR ASSOCIATION, RIVERSIDE, CA**

Mr. BRIDGES. I will try.

Mr. Chairman, members of the committee, thank you very much for allowing us to appear before you today. It is a pleasure for us to do so.

We again speak on behalf of the membership of both the Riverside and San Bernardino County Bar Associations and their executive committees which have unanimously approved the legislation proposed before you.

I would like to concentrate my efforts and my remarks on what I perceive to be a growing concern, a very legitimate concern, on the part of the committee, and that is the demographics and the accessibility. That is a severe, crippling problem to us in the legal community. That legal community, of course, includes all of the consumers as well as the people who are involved and that includes jurors, bailiffs, et cetera.

We in the Riverside, San Bernardino County area are the fastest growing area, populationwise, in the country. We are the 11th most populous area in the country. We now have 2.6 million residents in that combined area. We are projected to have 4.4 million residents by the year 2005. The demographics themselves speak to a very crying need to have some relief in the very near future so that we can fulfill our duty as members and citizens working within the Federal system of supplying quality service to those people who need it and need it on a daily basis.

I was struck by the comments of Mr. Moorhead. I am one of those people who travels those freeways from Riverside to Los Angeles and from Riverside to Orange County. I am one of those people who must appear before Federal judges and State judges. Having appeared before them, as many of you people have done here, one does not take the risk of appearing late. Therefore, I leave 3 hours before to ensure that I am there on time. That seems to create a serious problem, and that has been touched upon today.

I would like to talk to you about that for a moment from personal experience. If it takes 3 hours one way, it will probably take 3 hours the other way. That is 6 hours that are, in part, wasted that day. Now, assuming that is a usual situation, let's take a small case in Federal court—a 3-day jury trial. You will have one motion appearance, several status appearances. Add 3 days and you are going to be 6 days in court. That is an additional 36 hours of commuting time alone.

When you add to that the reality—the minimum reality of two attorneys and at least two litigants—we have a combined travel time of 134 hours on a small case, which is 3.3 weeks of travel time on the freeways of southern California.

What is the result of that reality? The result of that reality is that the residents of San Bernardino and Riverside Counties are practically frozen out of access to the courts in both Orange County—the Federal courts—in both Orange County and Los Angeles. That door has been closed to us, and it has been practically locked.

So it is not accessible and accessible service to us. No matter how many judges we might add to Los Angeles, no matter how many judges we might add to Orange County, we are locked out of the system.

I think those factors alone are stark, demonstrative evidence of the reason why there has been overwhelming support from all sectors of this proposed legislation. It seems to us that the figures speak out and cry out. The experience validates that, and everyone joins in requesting your support for the endorsement and eventual passage of Congressman Brown's bill. Thank you.

[The prepared statement of Mr. Bridges follows:]

PREPARED STATEMENT OF TERRY BRIDGES, ATTORNEY, BRIDGES &
HARMON, AND PAST PRESIDENT, RIVERSIDE COUNTY BAR
ASSOCIATION, RIVERSIDE, CA

Re: H.R. 3795 -- Subcommittee on Intellectual Property and
Judicial Administration, Hearing Date 6/11/92, 10:00 a.m.
Prepared Statement of Terry Bridges

Dear Members of the Subcommittee on Intellectual Property and
Judicial Administration:

I am pleased to accept the invitation of Chairman Jack Brooks
to appear before your Committee in the above-referenced matter.

I am a former President of the Riverside County Bar
Association. I presently chair a committee comprised of
representatives of both the Riverside and San Bernardino County Bar
Associations with respect to setting the need for and advisability
of establishing a division of the Central District in the
Riverside-San Bernardino area. Members of the Committee include
Past Presidents of Riverside and San Bernardino County Bar
Associations as well as active and retired members of the
Judiciary.

As part of its bi-partisan activities during the past eight
months, representatives of the Committee have met with Hon. Manuel
L. Real, Chief Judge of the United States District Court, Central
District of California; Hon. J. Clifford Wellece, Chief Judge of
the Ninth Circuit; the Executive Committee of the Riverside County
Bar Association; the Executive Committee of the San Bernardino
County Bar Association; Congressman Brown's Office; community and
governmental leaders within Riverside-San Bernardino Counties; and
representatives of Federal and State law enforcement agencies.

In addition, we have completed a survey of all members of both
Riverside and San Bernardino County Bar Associations on the issue.

By virtue of the information available to your staff, you are
aware of the dramatic reasons in support of the establishment of a

separate division of the Central District in the Riverside-San Bernardino County area. Those reasons include, but are certainly not limited to, the following:

1. A population of 2.6 million people presently living in the Riverside-San Bernardino Counties;
2. Trends projecting a population of 4.4 million residents in the Riverside-San Bernardino Counties by the year 2005;
3. Spatial considerations evolving from the fact that San Bernardino County is the largest county in the 48 contiguous states of the United States; and
4. Increased Federal caseload on the Central District's docket from San Bernardino and Riverside Counties.

Those factors have resulted in the support of the establishment of a division of the Central District in Riverside-San Bernardino by the following:

1. Congressman Georgs E. Brown, Jr.; Congressman Christopher Cox; Senator Alan Cranston; and Senator John Seymour.
2. The overwhelming majority of the Judges of the Central District;
3. All of the major Federal law enforcement agencies in the Riverside-San Bernardino area.
4. The Executive Committee of the Riverside County Bar Association;
5. The Executive Committee of the San Bernardino County Bar Association; and
6. All community leaders and governmental officials contacted.

As a trial lawyer, I wish to call your specific attention to what I consider to be two key factors which support H.R. 3795. First, the over-burdened caseload of the Central District and the potential significant increase on the caseload if the legislation

is not enacted. Second, the de facto inaccessibility to the 2.6 million residents of the Inland Empire to the existing Federal Divisions in Orange County and Los Angeles.

In reviewing recent Federal Court management statistics prepared by the Administrative Office of the United States Court, I am struck with the significant disparity between the Central District and the other districts within the Ninth Circuit relative to filings, terminations and pending matters. The statistics show that the Central District is almost double the amount of filings, terminations, and pending matters when compared to the next highest District's figures within the Ninth Circuit.

The Riverside-San Bernardino County area is one of the fastest growing in the entire County. Unless something is done and done quickly, projected growth will, as a practical matter, simply strangle the ability of the Central District to provide access to its services for those it is designed to serve.

Even assuming that additional judges were assigned to the Central District, the fact of the matter remains that neither the Central District nor the Orange County Division is accessible to litigants, witnesses, jurors, or counsel.

For example, I practice in Riverside, California, a distance of approximately 52 miles from downtown Los Angeles and 46 miles from the Courthouse in Orange County. In order to assure arriving at the Courthouse in Los Angeles for a nine o'clock appearance, one must conservatively allow three hours travel time one way. Conservative travel time to Orange County is two and one-half hours, one way.

This "gridlock factor" was dramatically evidenced by the result of the poll conducted by the Riverside and San Bernardino County Bar Associations of its members last December.

The result of the survey showed that, with but rare exception, attorneys in the Inland Empire are unable to accept cases in Federal Court because of distance, travel time, and related inconvenience.

In effect, an existing community of 2.6 million people, expected to grow to 4.4 in the near future, together with all appropriate Federal Agencies, including law enforcement, are denied a Federal venue.

Such denial is in stark contrast with the existing populous of 2.6 million people in the Inland Empire when compared with existing Federal Courthouse facilities in Orange County (population 2.1 million) and Sacramento (population 1.5 million).

For each of the above reasons, I respectfully submit that the establishment of a division of the Central District in the Riverside-San Bernardino areas and the support of H.R. 3795 is a demonstrated necessity.

I thank you for the opportunity to address your Committee and for the time and attention devoted to the issue by the Committee and Staff.

Mr. HUGHES. The gentleman from California.

Mr. MOORHEAD. Thank you.

We are sympathetic to your problems. I know your area very well out there. My family is from Redding. And, actually, since the courthouse can be anywhere within 5 miles of the city limits of Riverside or San Bernardino, it may well turn out that it is built in Redding. Who knows?

Mr. BRIDGES. I wouldn't preclude that.

Mr. MOORHEAD. Where did you have in mind?

Mr. BRIDGES. Mr. Moorhead, the political and the real answer to that is wherever the populous is best served.

And I can tell you that the members of our committee, the committee on which Ms. Carney and myself proudly serve and on which I presently chair, consists for the most part of past presidents of the Riverside and San Bernardino County Bar Association, all of the city bankruptcy judges and several other retired judges. From the first meeting we had, the decision was made that this would be bipartisan. There is no agenda as to where it should be located. And hence, the provision in Congressman Brown's bill that it be located within 5 miles of a radius of San Bernardino or Riverside.

We honestly do not care where it is located. We want and we need, and we ask for a Federal presence.

Now I suspect, on a practical level, you are going to see the city of Riverside and the city of San Bernardino joined in competition as to who can provide the best for the least, and that is a benefit that should be of interest to this committee, the Congress and to the taxpayers.

Mr. MOORHEAD. I have other questions, but you know you can go over these things just so many times. I know that there is a real problem trying to deal with the traffic problem. And some days you make it to Los Angeles in an hour, and some days you may get stuck on a 3-hour trip. I think you have made a good case, and I really think something needs to be done about the situation.

Certainly the population in your area is growing. It is the fastest growing area probably in California. And it is one that the need will grow from year to year from what it is now. So I think it is the time to take the necessary steps.

Mr. HUGHES. The gentleman from Virginia.

Mr. BOUCHER. No questions.

Mr. HUGHES. The gentleman from Illinois.

Mr. SANGMEISTER. No questions.

Mr. HUGHES. The gentleman from Florida.

Mr. JAMES. No questions.

Mr. HUGHES. The gentleman from California, Mr. Campbell.

Mr. CAMPBELL. Ms. Carney and Mr. Bridges, super testimony and very helpful and convincing. It may be useful in our deliberations at full committee to know what other offices of Federal agencies have branches in Riverside and San Bernardino. Are there any that we could point to as precedent, if you will, for the judicial branch to do likewise?

Ms. CARNEY. Well, there are a number of Federal offices in Riverside and San Bernardino Counties. I wish I had a list here. Of course, there are Federal law enforcement agencies. There is the

Internal Revenue Service. There is, of course, the Social Security Administration and the bankruptcy courts, as I have mentioned.

Mr. CAMPBELL. You know what would be useful—if you wouldn't mind. Just check into that and put it in the form of a letter.

Ms. CARNEY. We would be happy to do that. The General Services Administration has been in the process of doing an 11(b) study. [The information was not provided.]

Mr. CAMPBELL. Thank you, Mr. Chairman.

Mr. HUGHES. I just presume that most of the Federal agencies, law enforcement agencies, are represented except for U.S. Marshals perhaps and U.S. attorneys?

Ms. CARNEY. Yes, sir.

Mr. HUGHES. The gentleman from North Carolina.

Mr. COBLE. No questions, Mr. Chairman.

Mr. HUGHES. The distinguished gentleman from Wisconsin.

Mr. SENSENBRENNER. No questions, Mr. Chairman.

Mr. HUGHES. Your prepared text, in particular, was very helpful and very comprehensive. We appreciate your testimony. We very much appreciate your traveling such a long distance to deliberate with us on this important measure.

Mr. BRIDGES. It took a shorter flight from Los Angeles to here than it does from——

Mr. HUGHES. Every one of us can sympathize with you. We have all had a judge who was a stickler for time, so we understand why you leave 3 hours early.

That concludes the testimony and the subcommittee stands adjourned.

[Whereupon, at 10:59 a.m., the subcommittee proceeded to other business.]

APPENDIX

LETTER FROM JOHN M. ZIENTER, SPECIAL AGENT IN CHARGE, DRUG
ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE, TO
HON. LOURDAS BAIRD, U.S. ATTORNEY, LOS ANGELES, CA,
OCTOBER 18, 1991

Honorable Lourdas Baird
United States Attorney
U.S. Courthouse
312 N. Spring St.
Los Angeles, California 90012

Dear Lourdas:

The Riverside/San Bernardino County area, also known as the Inland Empire, is currently serviced by the DEA Riverside Resident Office. The area is a part of the Central District serviced by your office from Los Angeles. The Inland Empire is approximately 27,000 square miles - 2 1/2 times the size of Maryland and 2/3 the size of Virginia. According to the 1990 census, in the 1980-1990 decade the Riverside/San Bernardino area was the second fastest growing metropolitan area in the United States and the fastest growing in the State of California. With a population of almost 2.6 million, this is the second most populous metropolitan area in California, exceeded only by the nearby Los Angeles/Orange County area (8.9 million). It exceeds both the San Diego and the San Francisco/San Jose areas and is the 11th most populous metropolitan area in the United States, just behind Long Island (2.6 million); Atlanta (2.8 million) and Boston (2.9 million).

The Inland Empire has as much large scale heroin and cocaine traffic and far more methamphetamine traffic than either Los Angeles County or Orange County. Yet this area has traditionally had considerably less narcotic enforcement. The law enforcement agencies in the Inland Empire are smaller, more fragmented and tend to have less experience in combating large scale narcotics trafficking. This situation has resulted in large trafficking organizations making use of the Inland Empire in their narcotic warehousing and large scale wholesaling operations.

This situation is compounded by the fact that as yet there are no Federal Court or prosecutors in the Inland Empire (aside from a part time Federal magistrate in San Bernardino). The courts and prosecutors of the Central District are in Santa Ana and primarily, in downtown Los Angeles. This is in marked contrast to northern California wherein the Eastern District (based in Sacramento and Fresno) services a comparable geographical area of about half the population of the Inland Empire.

There has been a considerable increase in Federal enforcement recently in the Inland Empire. The DEA Riverside Resident Office

table of organization (TO) by FY92 will call for 16 Special Agents and 10 Task Force Officers. The Task Force Officers are deputized by DEA and as such have Title 21 enforcement powers. The FBI Riverside RO has 20 Agents authorized and the Customs Riverside RO has about 13. In addition, the Postal Inspectors have 2 agents, the Secret Service has 3 agents, INS has 4 and IRS has 12 authorized agents. This is a total of 72 Special Agents and 10 Task Force Officers.

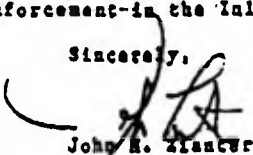
During the period July 1, 1990, to June 30, 1991, a total of 178 defendants were arrested by these agents and were arraigned Federally. This does not count the significant number of defendants arrested in the Inland Empire by the Los Angeles and Orange County branches of these same agencies nor those arrested by Federal agencies not represented in the Inland Empire (e.g. ATF). In addition, numerous complaints, warrants, affidavits and other legal documents were filed. The main Federal courts at Los Angeles and the full time Federal Magistrate at Santa Ana are both approximately 55 miles one way from the Riverside where all of these agencies are located. The U.S. Attorney's Offices are both located at Los Angeles and Santa Ana, respectively. The FBI has four agents stationed at Palm Springs (as well as agents in Victorville) and DEA and Customs have both requested Posts of Duty in the Palm Springs area. The Palm Springs area is about 115 miles from the Federal courts and U.S. Attorney's Offices. Blythe and Needles are located 340 and 400 miles, respectively, from the Federal courts. Additionally, the Malaga case, adjudicated by the Supreme Court in 1991, involved the Riverside County Sheriff's Department and requires a probable cause finding within 48 hours of a warrantless arrest, weekends not withstanding. County jails in San Bernardino and Riverside Counties refuse Federal prisoners if held only on Federal charges.

The arraignment of prisoners involves the loss of at least two agents (considerably more with multiple arrests) for at least one day. The manpower loss is aggravated by safety concerns since the case agents have frequently been involved in prolonged surveillances leading up to arrest(s). Since the U.S. Attorney's Offices are also located in Los Angeles and Santa Ana, respectively, consultation with AUSA's is usually practical only telephonically. Obtaining warrants, complaints, affidavits, etc. are tedious and difficult. All of this makes close coordination with the U.S. Attorney's Office difficult and encourages referrals to State prosecution although State prosecution is generally much less desirable than Federal.

All of the major Federal enforcement agencies in the Riverside/San Bernardino County areas have conferred and unanimously join in requesting a Federal court and U.S. Attorney's Office in Riverside as soon as possible. Therefore, I am requesting a full time Federal Magistrate and at least two full time Assistant U.S. Attorneys be stationed at Riverside under the direction of the Central District at Los Angeles. This

would be similar to the full time magistrate and U.S. Attorney's Office that have already been established at Santa Ana. Based on recent arrest and prosecution statistics quoted above, an initial commitment of this size by the Central District and your office can easily be justified. Such a commitment would greatly facilitate Federal criminal enforcement in the Inland Empire.

Sincerely,



John H. Hunter
Special Agent in Charge

STATEMENT OF LAURENCE S. MCWHORTER, DIRECTOR, EXECUTIVE OFFICE
FOR U.S. ATTORNEYS, U.S. DEPARTMENT OF JUSTICE, JUNE 11, 1992

I am pleased to submit to the Subcommittee the views of the Department of Justice on H.R. 3795, a bill that would amend title 28 to establish three divisions in the Central Judicial District of California, establishing a court location in the Riverside/San Bernadino area. While the bill would benefit area attorneys, there are serious concerns that must be addressed in light of the costs associated with the creation of a new division as well as other considerations.

First, it should be noted a new courthouse has been constructed in Los Angeles with ten district courtrooms and expansion space for ten additional courtrooms. This new facility together with the original courthouse can accommodate ten more judges than are presently allocated to this district, including seven senior judges. Once the courtrooms are completed there will be no shortage of courtrooms in the Central District of California.

Secondly, although there has been significant growth in the population of the San Bernadino and Riverside counties in the past ten years, a projected increase of 70% in the next fifteen years may not bear out in light of the drastic downturn in the Southern California economy.

Thirdly, although it is true that a local courthouse would be more accessible to the residents of Riverside and San Bernadino counties, it should be noted that the distances from Los Angeles civic center are 54 and 53 miles, respectively. By California standards these are not so large as to make the central courthouse inaccessible.

Another concept that needs careful scrutiny is the idea of

proliferating neighborhood district courts, which could argue for even more divisions and courthouses at the expense of the taxpayers and efficiency in the federal government. The United States Attorney's offices, which are not splintered into divisions, benefit from economy of size because the staff of the office can be utilized in a more flexible manner.

Many areas of both civil and criminal litigation such as bank fraud, narcotic conspiracies, gang prosecutions, government fraud and medical malpractice require the development of specialists and expertise. While this is fairly easy to accomplish in a large office it is more difficult among a number of divisions. Supervision and training of Assistant United States Attorneys is much easier and more efficiently handled without a multiplicity of offices.

Another problem is the District Court's policy against establishing grand juries at any location besides Los Angeles. There is, for instance, no grand jury permitted at the current second location at Santa Ana. Without a provision for having grand juries, the burden on the United States Attorney's office for the Central District of California and Federal Agents would mandate against establishing a new location.

Finally the United States Attorney would have to have a newly staffed office at Riverside/San Bernardino. The cost would be considerable. Rough estimates for just the United States Attorney's Office to service a division consisting of one federal judge are as follows:

1. Start-up (one time expenses) \$102,600.00
2. Additional salaries per year \$340,000.00
3. Rent \$540,000.00 per year.

In addition, supervisory personnel would have to be relocated from the Los Angeles Office at a projected cost of \$50,000.00 each.

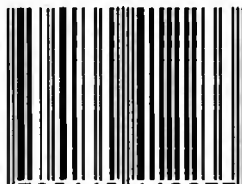
The U.S. Marshals Service advises they would need a new sub-office in order to provide courtroom security, the production of prisoners, and the execution of court orders. It is estimated that this would require 17 full-time operational personnel, and 12 full-time administrative personnel. The 29 personnel of this proposed division would be new positions. In addition, it would require the services of an indeterminate number of guards and court security officers, paid at an hourly rate. Also, there would be costs for public defenders, pre-sentence and probation officers, court clerks and court reporters. All of the above would entail considerable cost. The bill as drafted contains no authorization to fund the division and associated personnel costs.

Conclusion

It is the view of the Justice Department that H.R. 3795 would not be in the best interests of the entire public and, therefore, recommends against enactment. If H.R. 3795 is enacted, however, appropriate funding should be provided. We would be happy to provide any other information that the Committee might require and appreciate the opportunity to express our views for the record.

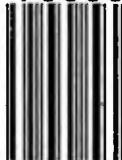
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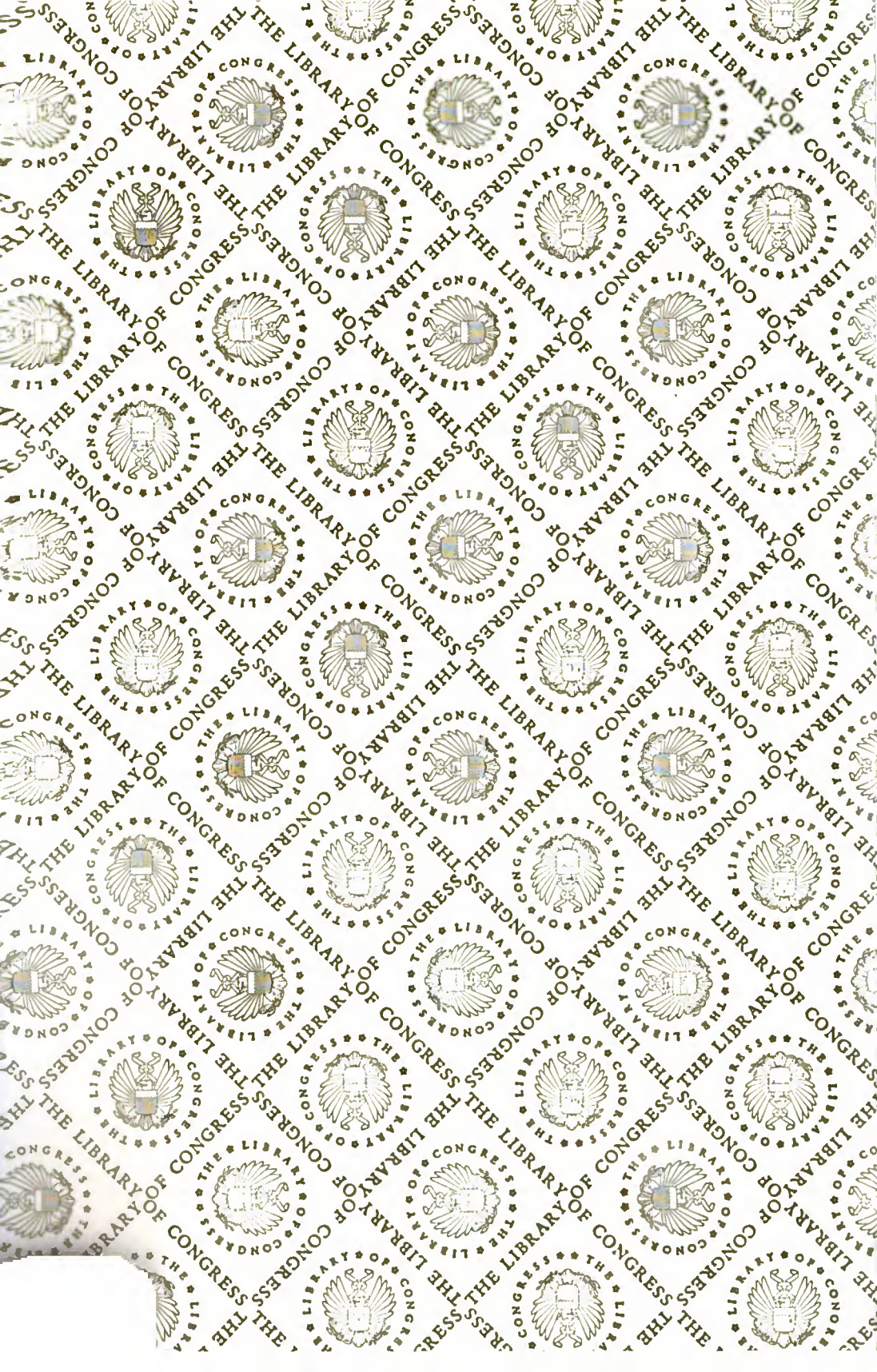
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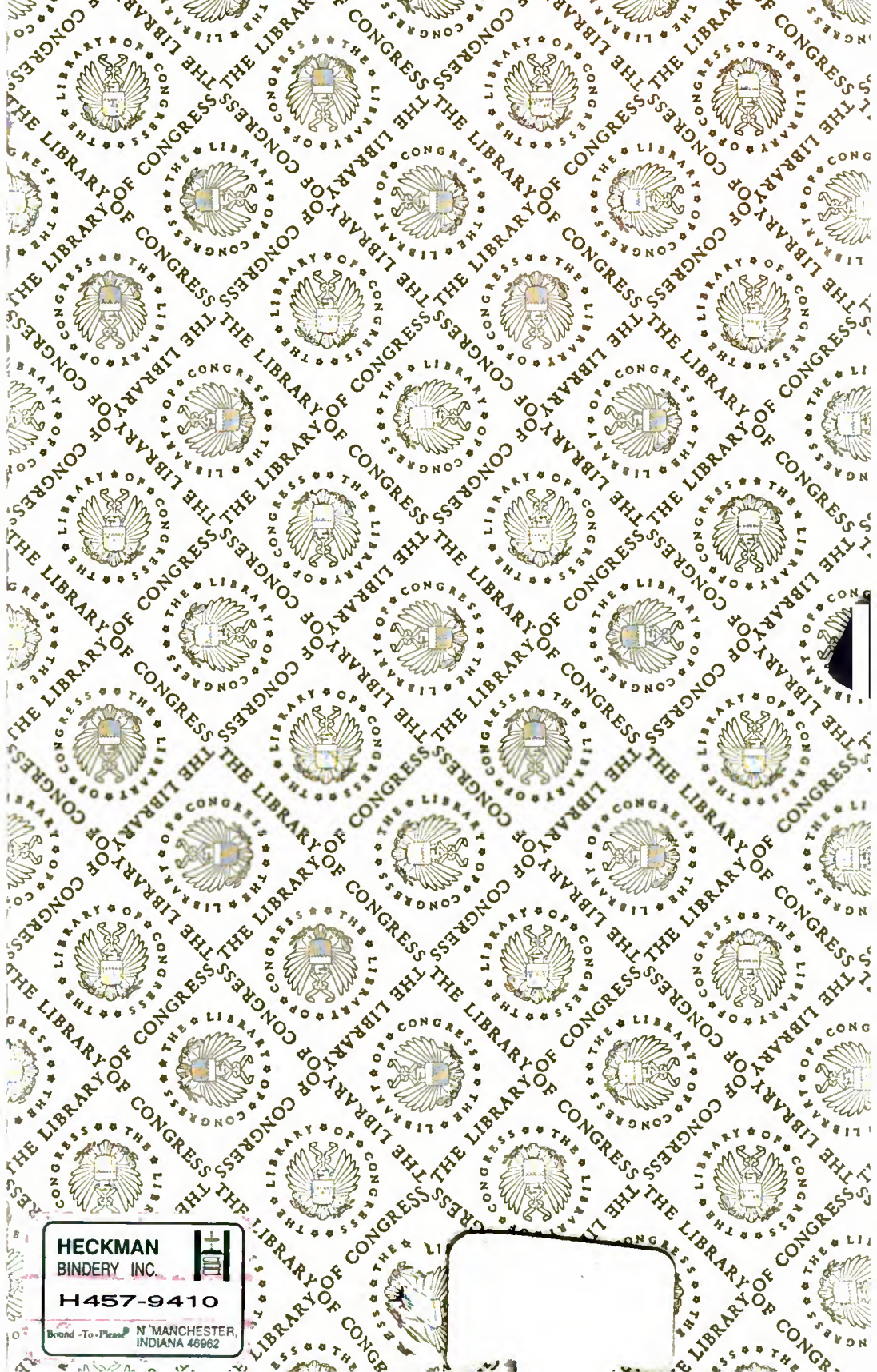


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